



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TAL
Docket No: 5299-10
4 February 2011

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 February 2011. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 11 September 2008 at age [REDACTED]. You received nonjudicial punishment (NJP) on two occasions for failure to go to your appointed place of duty and destruction of government property by shooting windows and blinds with a BB gun. After your first NJP, you were counseled regarding your misconduct and warned that further offenses could result in administrative separation. Based on the information currently contained in your record it appears that you were subsequently involuntarily processed for separation by reason of misconduct due to a pattern of misconduct. Your commanding officer forwarded his recommendation that you be discharged under honorable conditions by reason of misconduct. The separation authority directed a general discharge by reason of misconduct due to a pattern of misconduct. On 6 April 2010 you were so discharged, and assigned an RE-4 (not recommended for retention) reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that

these factors were not sufficient to warrant a change in the reentry code given the seriousness of your misconduct that resulted in two NJPs. The Board noted that you were fortunate to receive a general discharge, since Sailors who are separated for misconduct such as yours normally receive an other than honorable characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,


W. DEAN PFEIFFER
Executive Director